

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3-07-cr-71-WKW
)	
CHARLES T. GADDY, JR.)	

ORDER

This case is before the court on Defendant Charles T. Gaddy, Jr.'s Unopposed Motion to Continue Trial (Doc. #29). The criminal case is currently set for trial during the November 5, 2007, trial term. For the reasons that follow, the court finds the trial of the defendant should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and the defendant in a speedy trial. The defendant seeks additional time to research "the evolving law concerning Count 2 of the superseding indictment." (Mot. Cont. Trial ¶

4.) He asserts the charge against him is the first of the type in this district. Moreover, the Government is not opposed to a continuance. The court notes that it previously granted the defendant a continuance for the same reasons and is not inclined to continue this case for a third time.

Accordingly, it is ORDERED that the defendant's Motion to Continue Trial (Doc. # 29) is GRANTED. The trial in this matter is continued from **November 5, 2007**, to the criminal term of court beginning on **February 4, 2008**. All applicable deadlines contained in the prior arraignment order and pretrial order are adjusted accordingly; provided, however, that the deadline for the filing of pretrial dispositive motions is not extended.

DONE this 18th day of October, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE